D.B. MISC. APPLICATION NO.10/2006

Smt. Supla Jain Vs. The U.I.T. Jodhpur

Date : 29.05.2006

PRESENT

HON'BLE JUSTICE MR. RAJESH BALIA
HON'BLE JUSTICE MR. R.P. VYAS

Mr. Tribhuvan Gupta for the applicant.
Mr. S.G. Ojha for the respondents.

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Having heard learned counsel for the applicant on the application for extension of time for depositing the market price of the plot in question, we do not find it just and appropriate to grant any further time.

The applicant was the highest bidder in respect of the plot in question almost 30 years before. Since he has failed to deposit the price of the said plot within time allowed, the respondent UIT has cancelled the allotment of plot made in favour of the applicant.

The Division Bench of this Court while finding that the cancellation of allotment by the UIT, Jodhpur was justified and no rights existed in favour of the applicant to claim allotment of that

plot. However, by way of indulgence, the Division Bench of this Court gave three months times to the applicant to pay the market price of the plot in question and the respondents were directed to communicate the present market value of the plot to the appellant within 15 days from the date of order. The applicant has not availed that opportunity by depositing the market price communicated to him in time. He has approached this Court for extension of time for deposit of market price after the plot has been auctioned and has given a high bid. If the applicant was willing to pay market price, he could have participated in said auction. In these circumstances, no case for extension of time is made out.

In the circumstances, we are of the opinion that subsequent auction proceedings cannot be indicted by the applicant because the applicant was given an opportunity to pay the current market price as may be communicated by UIT within time fixed by the Court, which obviously was not in recognition of any right.

The application, therefore, is rejected.

[R.P. VYAS], J. [RAJESH BALIA], J.

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